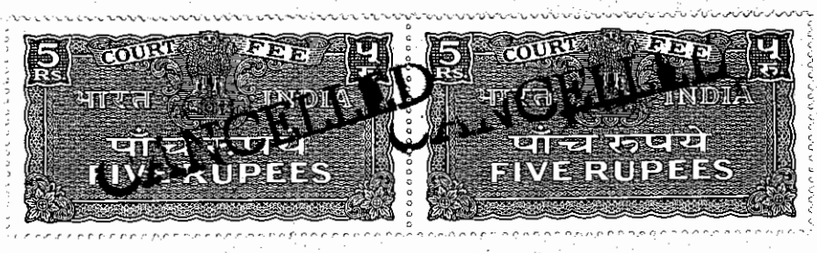
(3)



e-8-107

IN THE HIGH COURT OF JUDICATURE AT BILASPUR

CHHATTISGARH

W.P. NO. 1132 **/2004**

PETITIONER	:	Shalik Ram, S/o. Sonuram
JUDGMENT DEBTOR		Aged about 35 years, R/o.Deepak Nagar, Durg, Tahsil and District Durg, Departmental Address Qtr.No. 139111, Post-Riger Tech. M.P.-2, through A.P.O.-2, Bhilai Steel Plant, District Durg (C.G.)

P.R. No. 1102/04 Presented by Shri Sudhir Agrawal 15-2-04

VERSUS

RESPONDENT	:	Harimitra Dheer, S/o. Lala Amarnath
DECREE HOLDER		Dheer, aged about 65 years, R/o. 219-A Rishali Sector, Bhilai Post Maroda, Tahsil and District Durg (C.G.)

WRIT PETITION UNDER ARTICLE 227 OF CONSTITUTION OF INDIA

(24)

XI-HC—78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक WP No. 1132/04 **सन्** 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	31-1-2005	

Smt. Sudha Agrawal, counsel for the petitioner.

Smt. Kiran Jain, counsel for the respondent.

Heard both the counsel.

The petitioner has preferred this petition under Article 227 of the Constitution of India questioning the correctness and propriety of the order dated 8-3-2004 passed in execution proceeding No.2091/2004 whereby the trial Court has directed the petitioner herein to pay Rs.4,000/- per month. The respondent herein filed a suit for recovery against the petitioner herein and decree to amount of Rs.56,777/- was passed against the petitioner and thereafter execution proceeding was launched against the petitioner in which impugned order was passed.

Learned counsel for the petitioner submitted that the petitioner is a poor man and as per Annexure-P/5 he is drawing net salary after deduction Rs.6,000/- and, therefore, executing Court has fixed the instalments on a higher side which is not possible for the petitioner to deposit, therefore, instalments of Rs.1,000/- may be fixed.

On the other hand, learned counsel for respondent submitted that instead of Rs.1,000/- instalment of Rs.2,000/- may be fixed.

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक..... **सन्** 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
Barve	Having heard learned counsel for the parties and having regard to the fact that said salary of the petitioner in the year 2002 and by now, the salary must have been increased, taking all these factors into consideration, instalment of Rs.4,000/- is reduced to Rs.2,000/- per month and the petitioner is directed to pay Rs.2,000/- per month instead of Rs.4,000/-. With the direction aforesaid, the petition stands disposed of. Consequently, M.(W.)P. No.1026/2004 also stands disposed of. Parties are entitled for certified copy of this order. **Sd/-** **L.C. Bhadoo** **Judge**	

Gr. PRJ—FS/350—12/2000—50,000.